

of justice, it is necessary to elect a king, and the ancients chose to fill the kingly office the man most distinguished for equity and prudence. He is a lawful king whom the people chooses, for the people has the right to confer the supreme power on whomsoever it will (*Populo enim jtis est ut imperium cut veltt deferat*). The king must understand how to practise the art of government, as the physician does the art of healing. Some men are born kings, are kings by nature, like those artists who excel in virtue of their innate genius, rather than of mere practice. To such a king might be assigned unlimited power over the commonwealth (*liberamque omnium rerum potestatem traderemus*). But, for dearth of born kings, we must be content with the similitude of the true king, and give him the law as colleague, or rather as the moderator of his lusts. For he is a man as well as a king, prone to err by ignorance or self-will. "All by license deteriorate," as the comedy hath it. The most prudent men have, therefore, adjoined the law in order to teach him the way if he be ignorant, and recall him to it in case of aberration. With the form of government Buchanan will not quarrel. The name is immaterial—king, duke, emperor, or consul—nay, he will not object to two kings, as among the Lacedaemonians, or two consuls, as at Rome, elected but for one year. The all important thing is that the people be governed with equity; and because kings have so often followed their own lusts, instead of equity, the people, taught by experience that it is better to entrust their liberty to the laws than to kings (*inultis enim edocti erant experimentis melius lidertatem legibus quam regibus credi*) has enacted laws to constrain them to right government. That the king must conform to the laws is for Buchanan, as for Fortescue and Bracton, the first axioms of good government (*suas actiones . . . ad legum prozscripta con-firmarenf*). *Rex esset lex loquens, lex rex mutus*, is a fundamental maxim of the past and the future.

Whereat Maitland, who sees his majestic image of absolute king float away like a soap bubble before the blast of Buchanan's democratic rhetoric, is terribly shocked. Thrust into the prison of the law, with scarcely leave to speak ! To place the king under the law, is to make authority contemptible. No sa,ne man can be expected to torment himself